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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,921	12/31/2003	Brian Wester	25332	1401

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WEYERHAEUSER COMPANY  
INTELLECTUAL PROPERTY DEPT., CH 1J27  
P.O. BOX 9777  
FEDERAL WAY, WA 98063

EXAMINER

HALPERN, MARK

ART UNIT PAPER NUMBER

1731

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/749,921

Applicant(s)

WESTER ET AL.

Examiner

Mark Halpern

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1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/23/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

- 1) Acknowledgement is made of preliminary Amendment received 4/18/2006. Claims 1-5, 8-10 are under consideration.

#### ***Claim Objections***

- 2) Claim 4 recites a brand name, Berol 509.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 3) Claims 1, 5, 8-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott, (Sludge Characteristics and Disposal Alternatives for the Pulp and Paper Industry, 1995 International Environmental Conference, Atlanta, GA., 7-10, May 1995, TAPPI Press, pgs. 269-279, 1995) in view of Mansour (5,637,192).

Claims 1, 9-10: Scott discloses a process in a paper mill where virgin fiber raw material is processed and resulting waste material generated from the virgin fiber in the form of sludge is sent for treatment (pg. 269, Figure 1). The sludge includes waste fiber from the virgin fiber raw material; the amount of sludge

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generated in the paper mill is shown in Table I (pg. 270). The treatment includes dewatering of the waste fiber and clarifier separation (pg. 270, Figure 2)( pgs. 269-271, Figures 1, 2). The sludge is dried and then utilized as bedding material for animals, such as, cattle (pg. 277, col. 2, 4<sup>th</sup> paragraph). Energy recovery and utilization is well known in the pulping art, as for example, disclosed by Mansour, where paper mill sludge is heated indirectly by heat transfer from a resonance tube (col. 29, lines 65-7). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Scott and Mansour, because such a combination would provide for a cost efficient drying of waste fibers in the process of Scott.

Claims 5, 8: dewatering by means of primary and secondary clarifier performs the same or similar function and obtains the same or similar results as does the claimed apparatus.

4) Claims 2-4, are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Mansour, and further in view of Sugarman (2,708,418). Scott in view of Mansour is applied as above for claim 1, Scott in view of Mansour fails to disclose a treatment substance added to the fiber. Sugarman discloses adding sodium silicate to the fibers (col. 1, line 59 to col. 2, line 40). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Scott and Mansour with Sugarman, because such a combination would provide the product of Scott with a chemical additive that functions as a binder, adhesive and wetting agent, important functions in animal bedding, as disclosed by Sugarman.

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***Conclusion***

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Halpern  
Primary Examiner  
Art Unit 1731